IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 9918 of 2002

with

SPECIAL CIVIL APPLICATION Nos. 9593, 10345, 11492 to 11504 of 2002

For Approval and Signature:

Hon'ble MR.JUSTICE J.N.BHATT
and
Hon'ble MR.JUSTICE H.H.MEHTA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

HARIJAN MOHANBHAI RAGHUBHAI

Versus

STATE OF GUJARAT

Appearance:

SCA Nos.9918, 9593, 11492, 11493, 11496, 11499, 11500, 11502, 11503 of 2002.

MR GM AMIN for Petitioners

MR HD DAVE, AGP for Respondent

SCA Nos.10345, 11494, 11495, 11497, 11498, 11501, 11504 of 2002.

MR GM AMIN for the petitioners
MR ND GOHIL, AGP for the respondent.

CORAM : MR.JUSTICE J.N.BHATT
and
MR.JUSTICE H.H.MEHTA

Date of decision: 27/11/2002

ORAL JUDGEMENT

(Per : MR.JUSTICE J.N.BHATT)

Rule, service of which is waived by learned AGPs Mr.HD Dave and Mr.ND Gohil for the respondent. Upon joint request and in the facts and circumstances, this group of matters is taken up for final hearing today itself.

In this group of petitions, at the time of hearing, only a short question which has been agitated before us is about the rejection of reference applications by the Competent Authority - Deputy Collector, Land Acquisition and Rehabilitation (Irrigation), Rajkot, on the ground that the applicant being one person cannot avail the benefits of the provisions of section 18 of the Land Acquisition Act, 1894 (Act for short) for others without producing the authority or power of attorney authorising him to prosecute and represent them. The Competent Authority, unfortunately, though as stated by the learned advocate appearing for the petitioners that a copy of the power of attorney has been produced on one of the dates when the Presiding Officer was not available for some reason, has not been considered. Be that as it may. Upon consensus reached between the learned advocate for the petitioners Mr.Amin and learned Asstt. Government Pleader Mr.Dave, following final order is passed in this group of petitions.

Considering the facts and circumstances and the tenor of the final order recorded and the dispute about the factum of production of power of attorney, we are inclined to direct the Competent Authority to consider and determine the applications under section 18 of the Act in accordance with law, upon production of, once again, a copy of the power of attorney, wherever necessary, since the conclusion rejecting the applications requesting reference under section 18 of the Act is founded upon only on one ground, as stated hereinabove and therefore, obviously, there would not assume or arise any other objections, about which there is no controversy in this

group of petitions. The copy of the power of attorney duly certified or notarized as required under the law shall be presented before the Competent Authority within a period of ten days and thereafter the Competent Authority shall proceed with the matters as directed hereinabove, as early as possible since the matters are old. Accordingly matters are remanded.

With the above observations and directions, the entire group of petitions shall stand disposed of. Rule is made partly absolute without any order as to costs.

(J.N.Bhatt, J.)

(H.H.Mehta, J.)

(vjn)